THE HON'BLE THE ACTING CHIEFJUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO. 525 OF 2007

Date: 19.11.2007

Between:

Mohd. Rafeeq Ahmed.

....
Appellant/petitioner.

And

Industrial Infrastructure Corporation Ltd., Rep., by its Zonal Manager, Moula Ali, Hyderabad.

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Respondent/Respondent.

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THE HON'BLE THE ACTING CHIEFJUSTICE BILAL NAZKI
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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
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JUDGMENT: (per Hon'ble Sri Justice Bilal Nazki)

The petitioner's case was that a plot has been allotted to him which had been cancelled, though he had paid the amounts under the agreement. The learned single judge found that since the amount was not paid within the time stipulated and this has also been informed to him, but the petitioner did not make the payment and according to the counter-affidavit the plot was subsequently allotted after the process of public auction to third party, therefore he found no merit in the writ petition and dismissed the writ petition. We do not find any ground whatsoever to interfere with the order passed by the learned single judge, but the petitioner submits that since there was an agreement to sell between him and the respondent, he has also filed a suit for specific performance and the observations made in the order passed by the learned single judge may affect the outcome of the suit. We make it clear that the writ petition has been dismissed and the observations have been made only for the disposal of the writ petition and these observations may not be taken as the final opinion of the Court when the suit is decided.

The writ appeal is dismissed.

BILAL NAZKI,J

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Date: 19.11.2007

RAMESH RANGANATHAN,J

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